03560.002758

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ryuichi EBINUMA et al.

Application No.: 09/817,018

Filed: March 27, 2001

For: SUPPORTING STRUCTURE OF OPTICAL ELEMENT, EXPOSURE APPARATUS HAVING THE SAME, AND MANUFACTURING METHOD OF SEMICONDUCTOR DEVICE

Examiner: P. Luu

Group Art Unit: 2824

October 29, 2002

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office Action dated October 2, 2002.

In the Office Action, the Examiner sets forth a restriction requirement between two groups of claims. Group I, claims 1-11, 14-24, 27-31 and 34-49, is drawn to a supporting structure for support of an optical element, classified in class 355, subclass 67. Group II, claims 12, 13, 25, 26, 32, 33, 50 and 51, is drawn to an exposure apparatus, classified in class 355, subclass 53.

The Examiner contends that the inventions of Groups I and II are related as subcombinations disclosed as usable together in a single combination, and have acquired a separate status in the art as shown by their different classification such that the searches are not coextensive, requiring separate examination. These contentions are respectfully traversed.

Applicants note that the inventions of Groups I and II are so closely related in the field of exposure using supporting structures, that a proper search of any of the claims would, of necessity, require a search of the others. In fact, Applicants note that each of the claims noted in Group II refer back to various corresponding claims in Group I. Applicants submit, therefore, that the two groupings are closely related. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants further submit that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants' overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicants.

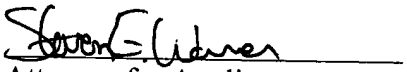
In the interest of economy, for the Office, for the public-at-large and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elect, with traverse, to prosecute the invention of Group II, namely claims 12, 13, 25, 26, 32, 33, 50 and 51.

Favorable consideration and an early passage to issue are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,



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